

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:09-00137

JOSEPH CLEVELAND FERRELL
SOUTHERN AMUSEMENT CO., INC.

FIFTH RESPONSE OF THE UNITED STATES OF AMERICA
TO DEFENDANT'S STANDARD DISCOVERY REQUESTS AND
REQUEST OF THE UNITED STATES FOR RECIPROCAL DISCOVERY

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, Rule 16.1(a) of the Local Rules of Criminal Procedure, and the Arraignment Order and Standard Discovery Request entered by the Court in this case on June 23, 2009, the United States of America, by counsel, herewith makes this fifth response to defendants' Standard Discovery Requests. Provided herewith are:

1. A disk containing photographs taken during the June 28, 2005, search of defendants' premises in Logan, West Virginia;
2. A disk containing the Federal Bureau of Investigation's Computer Analysis Response Team of the two computers seized during the June 28, 2005, search of defendants' premises in Logan, West Virginia;
3. A disk labeled 1B-67 containing an undercover recording made by defendant FERRELL;

4. A disk containing the recording of Wayne Watts's undercover contact with defendant FERRELL on 11/17/2003;

5. A disk containing the recording of Wayne Watts's undercover contact with defendant FERRELL on 3/23/2004;

6. A disk containing the recording of Wayne Watts's undercover activity on 5/11/2004; and

7. Disk 9 containing additional documents responsive to defendants' discovery requests, additional memoranda of interviews, and grand jury transcripts, and an index of those documents.

Any discovery provided that is not mandated by Court order, the Federal Rules of Criminal Procedure, federal statute or federal case law, is provided voluntarily as a matter of discretion solely to expedite and facilitate litigation of this case.

REQUEST OF THE UNITED STATES FOR RECIPROCAL DISCOVERY

Pursuant to Rules 16.1(b) and 16.1(d) of the Local Rules of Criminal Procedure, the United States of America requests that defendant provide all applicable reciprocal discovery within 10 days of the service of this response and the provision of materials requested by defendant in the Standard Discovery Request.

Respectfully submitted,

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CERTIFICATE OF SERVICE

It is hereby certified that service of the foregoing "FIFTH RESPONSE OF THE UNITED STATES OF AMERICA TO DEFENDANT'S STANDARD DISCOVERY REQUESTS AND REQUEST OF THE UNITED STATES FOR RECIPROCAL DISCOVERY" has been electronically filed and service has been made on opposing counsel by virtue of such electronic filing and via hand delivery on the 6th day of January, 2010, to:

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